

**BURSOR & FISHER, P.A.**

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN RETTA, KIRSTEN  
SCHOFIELD, and JESSICA MANIRE  
on Behalf of Themselves and all Others  
Similarly Situated,

Plaintiffs,

v.

MILLENNIUM PRODUCTS, INC.

Defendant.

Case No. 2:15-cv-01801-PSG-AJW

**STIPULATION PERMITTING  
PLAINTIFFS TO FILE FOURTH  
AMENDED CLASS ACTION  
COMPLAINT**

Judge: Hon. Philip S. Gutierrez

TAC Filed: October 8, 2015  
Trial Date: December 6, 2016

1 Plaintiffs Jonathan Retta, Kirsten Schofield, and Jessica Manire (“Plaintiffs”)  
2 and Defendant Millennium Products, Inc. (“Millennium”), by and through their  
3 respective counsel, hereby stipulate and agree as follows:

4 WHEREAS, Plaintiffs filed this action on March 11, 2015;

5 WHEREAS, the Court issued a scheduling order on January 6, 2016 (Dkt. No.  
6 43);

7 WHEREAS, in the scheduling order, the Court set February 11, 2016 as the  
8 last day to add parties and amend pleadings;

9 WHEREAS, Plaintiffs seek leave to amend to file a Fourth Amended Class  
10 Action Complaint to add Whole Foods Market, Inc. (“Whole Foods”) as a defendant;

11 WHEREAS, a draft of Plaintiffs’ proposed Fourth Amended Class Action  
12 Complaint showing the changes to the complaint in redline is attached hereto as  
13 Exhibit A;

14 WHEREAS, pursuant to Central District Local Rule 7-3, Plaintiffs’ counsel  
15 has met and conferred with Millennium’s counsel regarding Plaintiffs’ request for  
16 leave to file their Fourth Amended Class Action Complaint to add Whole Foods as a  
17 defendant;

18 WHEREAS, Millennium does not oppose Plaintiffs’ request to add Whole  
19 Foods as a defendant;

20 NOW, THEREFORE, the Parties stipulate, subject to the Court’s approval,  
21 that (1) Plaintiffs shall be permitted to amend their complaint to add Whole Foods as  
22 a defendant and (2) Plaintiffs will file their Fourth Amended Class Action Complaint  
23 within seven days of the Court’s order approving this stipulation.

1 Dated: February 9, 2016

O'MELVENY & MYERS LLP

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3 By: /s/ Scott M. Voelz  
4 Scott M. Voelz  
5 Attorneys for Defendant  
6 Millennium Products, Inc.

7 Dated: February 9, 2016

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9 By: /s/ Yeremey O. Krivoshey  
10 Yeremey O. Krivoshey  
11 Attorneys for Plaintiffs  
12 Jonathan Retta, Kirsten Schofield,  
13 and Jessica Manire

14 **SIGNATURE ATTESTATION**

15 The filing attorney attests that he has obtained concurrence regarding the filing  
16 of this document from each of the other signatories to this document.

17 Dated: February 9, 2016

BURSOR & FISHER, P.A.

18 By: /s/ Yeremey O. Krivoshey  
19 Yeremey O. Krivoshey

20 Attorneys for Plaintiffs  
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